

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

FIDEL VAZQUEZ,  
Petitioner,  
v.  
B. BIRKHOLZ,  
Respondent. } Case No. 2:23-cv-05279-WLH-JDE  
} ORDER ACCEPTING REPORT  
} AND RECOMMENDATION OF  
} UNITED STATES MAGISTRATE  
} JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the records on file, including the Petition for Writ of Habeas Corpus by Person in Federal Custody Under 28 U.S.C. § 2241 (Dkt. 1 “Petition”) filed by Fidel Vazquez (“Petitioner”), the Motion to Dismiss the Petition (Dkt. 5, “Motion”) filed by Respondent, and the Report and Recommendation of the United States Magistrate Judge (Dkt. 7, “Report”). No party filed a timely objection to the Report or timely sought additional time in which to do so. The Court accordingly accepts the findings and recommendation of the Magistrate Judge.

IT IS THEREFORE ORDERED that:

(1) The Motion (Dkt. 5) is **GRANTED**; and

1 (2) Judgment shall be entered dismissing this action with  
2 prejudice.

3 Dated: December 18, 2023

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5 HON. WESLEY L. HSU  
United States District Judge

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